

REMARKS

Claims 121-124, 126-129, 132-144, and 146-147 are pending, with claims 121, 135, and 139 being independent. Claims 1-120, 125, 130, 131 and 145 are canceled, or were previously cancelled, without prejudice or disclaimer, and Applicant reserves the right to pursue these claims in this or related applications.

By virtue of this response, claims 121-124, 126-129, and 132-144 are amended, and claims 146-147 have been added. No new matter has been added. Support for these claim amendments and/or additions may be found, for example, at some or all of: page 2, lines 28-19; page 3, lines 1-2, 10-12; page 5, lines 1-30; page 6, lines 1-30; page 7, lines 1-9; figure 1; figure 2; page 8, lines 8-30; page 9, lines 8-21; page 11, lines 25-30; page 12, lines 1-9; page 15, lines 2-30; page 16, lines 5-29; page 19, lines 10-15; and page 20, lines 19-28.

Claims 121-144 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 121-144 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 122, 123, 129, 130, 131, 133, 135, 137, 139, 140, 143 and 144 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite because, as asserted by the Office Action, “it is necessary for the applicant to choose either ‘and’ or ‘or’ to more clearly and distinctly describe their claim.”

Claims 121-144 are rejected under 35 U.S.C. 102(b) as being unpatentable as anticipated by Trojan et al. (U.S. Patent No. 5,297,032, referred to herein as “Trojan”). Claim 145 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trojan et al. (U.S. Patent 5,297,032, referred to herein as “Trojan”) in view of Markese (“Can you trust mutual fund rankings?”, by John Markese, Consumer Research Magazine, October 1993, referred to herein as “Markese”).

Regarding the rejections of claims 121-144 under 35 U.S.C. 112, second paragraph, and the rejections of claims 121-144 under 35 U.S.C. 101, Applicant respectfully submits that the claims, as amended, overcome these rejections, and therefore requests that these rejections be withdrawn.

Nonetheless, Applicant further submits that the claim amendments provided by virtue of this response do not represent a stipulation or agreement regarding the validity of the rejections

under 35 U.S.C. 112 and/or 35 U.S.C. 101. For example, regarding the rejection of claims 122, 123, 129, 133, 135, 137, 139, 140, 143 and 144 under 35 U.S.C. 112, second paragraph, as being indefinite because, allegedly, “it is necessary for the applicant to choose either ‘and’ or ‘or’ to more clearly and distinctly describe their claim,” Applicant respectfully disagrees, and submits that no such requirement to choose or recite “and” or “or” exists. Further, Applicant submits that it is clear from the description and from the claims that use of the conjunction “or” contemplates the possibility of inclusion of one or both operands of the conjunction (e.g., “A or B” should be understood to possibly include any one of “A,” “B,” and “A and B”), and does not imply or require a mutually-exclusive nature of the operands in any way.

Regarding the rejections of claims 125, 130, 131 and 145 as recited above, Applicant submits that these claims have been cancelled, so that the rejections are rendered moot. Similarly to the above comments, Applicant submits that cancellation of these claims does not imply agreement with the previously-stated rejections thereof.

Regarding the rejection of claims 121-124, 126-129, 132-144 under 35 U.S.C. 102(b) as being anticipated by Trojan, Applicant respectfully submits that Trojan does not disclose or properly suggest all of the features of at least independent claims 121, 135, and 139.

For example, claim 121, as amended, recites:

A computer program product for handling transaction information, the computer program product being tangibly embodied on a computer-readable medium and including executable code that, when executed, is configured to cause a data processing apparatus to provide a transaction interface,

said transaction interface being configured to receive:

an identification of an item associated with a transaction;
a placement of a first subjective information parameter along a range, the first subjective information parameter being associated with a first rationale for engaging in said transaction;

a placement of a second subjective information parameter along the range, the second subjective information parameter being associated with a second rationale for engaging in said transaction;
and

said transaction interface being further configured to store a transaction record that identifies the placement of the first subjective information parameter along the range relative to the placement of the second subjective information parameter along the range.

Based on the above, Applicant respectfully submits that the pending rejections are overcome and/or rendered moot with respect to independent claim 121. For example, neither Figure 4, item 435 of Trojan (referenced by the Office Action in rejecting former claim 121), nor any other element of Trojan, anticipates (or properly suggests) at least the “placement of a first subjective information parameter along a range, the first subjective information parameter being associated with a first rationale for engaging in said transaction,” as recited in amended claim 121.

Similarly, Applicant respectfully submits that Trojan does not disclose or properly suggest the “placement of a second subjective information parameter along the range, the second subjective information parameter being associated with a second rationale for engaging in said transaction” feature of the claim 121. Still further, Applicant submits that Trojan does not disclose or properly suggest storing “a transaction record that identifies the placement of the first subjective information parameter along the range relative to the placement of the second subjective information parameter along the range,” as recited in independent claim 121.

Accordingly, Applicant submits that claim 121 is allowable for at least the reasons provided above, so that dependent claims 122-124, 126-129, and 132-134 are allowable for at least the same reasons..

Similarly, independent claim 135, as amended, recites:

An apparatus comprising a processing device wherein the processing device is configured to:

provide a transaction interface configured to store and retrieve transaction information, the transaction information comprising:

one or more transaction records, each transaction record comprising the following information:

an identification of an item associated with said transaction;

transaction information concerning said transaction, reflecting a placement of one or more subjective information parameters along a spectrum; and

one or more numeric data values determined by the processing device, based on the placement of the one or more subjective information parameters along the spectrum.

Similarly to independent claim 121, Applicant respectfully submits that the pending rejections of claim 135 are overcome and/or rendered moot with respect to independent claim 135, as amended. For example, Trojan does not disclose or properly suggest at least the

“transaction information concerning said transaction, reflecting a placement of one or more subjective information parameters along a spectrum,” nor does Trojan disclose or properly suggest “one or more numeric data values determined by the processing device, based on the placement of one or more subjective information parameters along the spectrum.” Accordingly, Applicant submits that claim 135 is allowable for at least the reasons provided above, so that dependent claims 136-138 and 146 are allowable for at least the same reasons.

Independent claim 139, as amended, recites:

A method for creating a transaction record comprising:
entering an identification of an item associated with a
transaction;
placing a first subjective information parameter associated
with a first rationale for engaging in said transaction along a range;
placing a second subjective information parameter
associated with a second rationale for engaging in said transaction
along the range; and
storing the placement of the first subjective information
parameter on the range relative to the placement of the second
subjective information parameter along the range in the transaction
record.

As with independent claims 121 and 135, Applicant respectfully submits that the pending rejections are overcome and/or rendered moot with respect to independent claim 139. For example, Applicant submits that Trojan does not anticipate (or properly suggest) at least the “placing a first (second) subjective information parameter associated with a first (second) rationale for engaging in said transaction along a (the) range,” as recited in amended claim 139. Nor does Trojan disclose or suggest, “storing the placement of the first subjective information parameter on the range relative to the placement of the second subjective information parameter along the range in the transaction record,” as also recited in independent claim 139.

Accordingly, Applicant submits that claim 139 is allowable for at least the reasons provided above, so that dependent claims 140–144 and 147 are allowable for at least the same reasons.

Conclusion

Based on the above, Applicant respectfully submits that all of claims 121-124, 126-129, 132-144, 146, and 147 are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (703-286-5735) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3521.

Respectfully submitted,

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Date 5/22/06

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 22 day of May, 2006.

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